



A Prosecutor's Stand

A guide for law enforcement

by Paul Sheridan, Libby McInerney,
and Michelle Gahee Kloss

*Partners in
stopping hate*



COPS
Community Oriented Policing Services
U.S. Department of Justice



San Francisco Assistant District Attorney Victor Hwang prosecuting a hate crime case at the San Francisco Criminal Court.



Lessons from a Hate Crime Detective

A guide for law enforcement

by Ryan Hunt and Lieutenant Travis Martinez

*Partners in
stopping hate*



COPS
Community Oriented Policing Services
U.S. Department of Justice

This project was supported by cooperative agreement number 2012-CK-WX-K021 awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity.

Recommended citation:

Sheridan, Paul, Libby McInerney, and Michelle Gahee Kloss. 2015.
A Prosecutor's Stand: A Guide for Law Enforcement. Washington, DC:
Office of Community Oriented Policing Services.

ISBN: 978-1-935676-71-3

Published 2015

Contents

Acknowledgments	iv
Introduction	1
Organizing a Screening of the Film	3
Facilitating discussion	3
Suggested audiences	5
Additional questions	10
Resources that Promote Working Together for Safe, Inclusive Communities	11
Appendix A. Hate Crimes: Important Facts for Officers Leading Discussions of the Film	13
Definition of a hate crime	13
The importance of recognizing hate crimes	13
Hate crimes are message crimes	13
Communities cannot thrive when some members are afraid	14
Recognizing hate crimes in your community	14
How hate crimes are reported	15
The hate crime reporting gap	15
Victims of hate crimes need support	16
Effective law enforcement response	17
The importance of prosecuting hate crimes as hate crimes	18
Working with your community	18
Appendix B. Recommendations for Law Enforcement and the Community	19
Five actions law enforcement can take	19
Five actions communities can take	19
Appendix C. Community Screening Guidelines	21
Appendix D. Film Evaluation Survey	22
Resources	23
Hate crime prosecution	23
Hate crime reporting	24
Hate crime training and response	24
Hate crimes against the homeless	26
Hate crimes and hate crime offenders	26
Outreach and hate crime response in immigrant communities	27
Outreach and hate crime response in LGBT communities	29
About the COPS Office	32

Acknowledgments

Not In Our Town (NIOT) and the Office of Community Oriented Policing Services (COPS Office) would like to thank the San Francisco District Attorney's Office, led by the Honorable George Gascón, for making the film *A Prosecutor's Stand* possible. Through interviews with key staff members and access to hate crime trial proceedings and community events, NIOT's production team was able to cast light on the impact of hate crimes and the role the legal system plays in fighting bigotry and hate and vindicating victims' experiences.

We are especially grateful to Assistant District Attorney and Hate Crimes Prosecutor Victor Hwang for generously sharing his expertise and insights about the challenges prosecutors face in investigating and prosecuting hate crimes and about the importance of community outreach to improve reporting and increase successful prosecutions. The urgency and commitment expressed by Hwang and Gascón to vigorously investigate and prosecute these crimes not only served as the driving force in the film but also helps guide our work with law enforcement agencies and community partners across the country.

We would also like to thank Judge Suzanne Ramos Bolanos for allowing us to film in her courtroom.

A special thank you is reserved for Alex C. and Mia Tu Mutch, the victims of the hate crime attacks featured in the film. By courageously opening up about their experiences, they provided crucial information about the unique trauma experienced by hate crime victims and the common barriers to participating in investigations and feeling safe within the community again. Through their stories and through the stories NIOT has gathered for almost two decades from other victims, law enforcement representatives, prosecutors, and victim witness liaisons, NIOT has had the opportunity to illustrate the need to differentiate hate-motivated incidents from other types of crimes.

This guide was shaped by important feedback from law enforcement professionals, including Officer Braden Schrag, assigned to the Southern Nevada Counter-Terrorism Center as a member of the Las Vegas Metropolitan Police Department's Terrorism Liaison Officer Program.

Introduction

From time to time, an extraordinarily heinous hate crime captures national attention and puts the topic of hate crimes in the public eye for a brief moment. However, few people realize that more than 200,000 hate crimes are committed every year. The vast majority are never reported.

A Prosecutor's Stand examines three hate crime cases in San Francisco, California, exploring the nature of these crimes; common challenges in reporting, investigating, and prosecuting them; and the unique trauma faced by hate crime victims. The 24-minute documentary profiles Hate Crimes Prosecutor and Assistant District Attorney Victor Hwang as he fights to bring perpetrators to justice in a San Francisco courtroom. This film demonstrates the important interplay between hate crime victims, law enforcement, and the greater community.

A Prosecutor's Stand features exclusive trial coverage and testimony of victims and law enforcement professionals as they seek justice. Hwang's highly charged cases include the following:

- Two Latino immigrants are severely beaten in San Francisco's Tenderloin district by a group of skinheads. The case reveals a white supremacist network operating in the city.
- A transgender woman is attacked at a transit station, and witnesses confirm the bigoted slurs of the perpetrators at the scene. A judge rejects hate crime charges, but the district attorney's office refiles, insisting that the hate motivation be recognized.
- A homeless African-American man is slashed with a knife in a community square. Investigators find the perpetrator and connect his hate-based views to the attack.

Law enforcement agencies can incorporate a screening of this film into an internal training session or a community dialogue addressing effective strategies to

- enhance hate crime investigations;
- show support for hate crime victims and targeted groups;
- develop or enhance community partnerships to build trust and increase hate crime reporting;
- initiate conversations to address intolerance and hate;
- promote safe, inclusive communities.

This guide is designed to help facilitate discussions about the film. It contains sample discussion questions, important facts about hate crimes, a list of supplemental resources, and an evaluation survey. Event leaders should allot at least 30–60 minutes for discussion after the film screening.

To request a free DVD copy of *A Prosecutor's Stand* and to download supplemental resources, please visit <http://www.niot.org/cops/aprosecutorsstand>.

The film and guide for *A Prosecutor's Stand* were produced as part of the Not In Our Town: Working Together for Safe, Inclusive Communities collaboration between Not In Our Town and the U.S. Department of Justice's (DOJ) Office of Community Oriented Policing Services (COPS Office).¹

1. All project resources and tools are available through the online project hub at <http://www.niot.org/COPS>.



Mia Tu Mutch and Alex C. talk about the importance of recognizing and reporting hate crimes.

Organizing a Screening of the Film

A Prosecutor's Stand provides a compelling launch pad for discussions about promising practices in hate crime investigations and community engagement to prevent hate crimes and support victims.

Facilitating discussion

To establish a framework for the discussion and to prepare for participant questions, facilitators should review the information in appendix A and appendix B in advance and familiarize themselves with any recent hate crimes in the area. For potentially contentious presentations, event organizers should consider assigning only skilled facilitators.

For any audience, consider organizing attendees into breakout groups for part of the discussion. Especially in a large group, difficult or open-ended questions might make some people feel uncomfortable or shy about speaking out; these individuals might share more openly in a smaller group. One person from each group can be responsible for reporting to the larger audience about the experiences, perceived challenges, proposed strategies, or other issues raised in the breakout session.

In a theater setting where breakout sessions are logistically difficult, pose a discussion question and encourage attendees to hold a five-minute conversation with the person in the next seat. You could conclude the segment by asking three or four pairs to share their findings with the larger audience. Taking about 10–15 minutes for this exercise may serve as a useful warm up for those who are reluctant to speak in groups.

In public discussions, questions should focus on the experience of the community members as much as possible. Honest criticism can be a very important and constructive part of the discussion; however, verbal attacks should be discouraged. An experienced facilitator, particularly someone who has credibility with the community at large, can be a great benefit, especially with larger groups or in groups where tensions are known. Keep in mind that the goal is participatory conversation, and the opportunity for people to engage can be as important as anything in particular that might be said.

Set ground rules

Remember for all discussions, state ground rules for respectful conversations. It is sometimes helpful to write these ground rules out and post around the room. This is especially helpful for discussions with youth. Ground rules should be developed and adapted for every unique

context. Appropriate ground rules may depend partially on age, region, and other contextual factors. The following list of common ground rules can serve as a starting point for your process of creating a similar list suitable to your situation:²

- Listen actively. Respect others when they are talking.
- Speak from your own experience instead of generalizing (“I” instead of “they, we, and you”).
- Do not be afraid to respectfully challenge one another by asking questions, but refrain from personal attacks. Focus on ideas.
- Participate to the fullest extent of your ability. Community growth depends on the inclusion of every individual voice.
- Instead of invalidating somebody else’s story with your own spin on her or his experience, share your own story and experience.
- The goal is not to agree; it is to gain a deeper understanding.
- Be conscious of body language and nonverbal responses. They can be as disrespectful as words.

Reaching Out to Vulnerable Communities

Victims of hate crimes are often more vulnerable members of society already coping with a degree of discrimination and separation. Statistics from the Federal Bureau of Investigation (FBI) in 2012 indicate that hate crimes are most often motivated by race; sexual orientation and religion are the second and third most common motivations.* These vulnerable groups are sometimes fearful or distrustful of law enforcement and are reluctant to come forward to report that they have been the victims of a crime. To effectively address and investigate hate crimes, it is important that law enforcement conduct outreach to build trust and develop positive working relationships with these diverse groups.

In the film *A Prosecutor’s Stand*, Assistant District Attorney Victor Hwang is shown prosecuting cases of hate crimes against two Latino immigrants, a transgender woman, and an African-American homeless man. Together with this discussion guide, the film can serve as a tool to enhance agency trainings addressing community engagement strategies and hate crime victim support. The additional resources section of this guide (see page 23) outlines supplemental resources to help law enforcement agencies address these challenges and expand outreach to these communities.

* Based on *Hate Crime Statistics, 2012*, Uniform Crime Reports, FBI, <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2012>.

2. Adapted from Maggie Herzig and Laura Chasin, *Fostering Dialogues across Divides: A Nuts and Bolts Guide from the Public Conversations Project* (Watertown, MA: Public Conversations Project, 2006), http://www.publicconversations.org/sites/default/files/PCP_Fostering%20Dialogue%20Across%20Divides.pdf.

Suggested audiences

Event organizers might convene the following audiences for screening and discussing *A Prosecutor's Stand*. For each audience, proposed questions are offered to help spark meaningful dialogue and establish next steps. If facilitators wish to explore the issues in the film more deeply, additional questions are available at the end of this section.

Internal law enforcement agency

Host a screening and begin dialogue within your agency to address the challenges of hate crime investigations, the burden of proof required in hate crime prosecutions, and opportunities for enhancing community partnerships to help prevent hate crime and respond effectively. To accomplish this, please do one or more of the following:

- Allot 30–60 minutes for discussion after the screening.
- Use the film as stand-alone agency training.
- Incorporate the film into a multiagency training program on hate crimes, covering urgent topics such as the defining characteristics of a hate crime, emerging trends, regional shifts in organized hate group activity, and new resources for victim support.

Experienced representatives or trainer referrals on the topics covered in the film can be found at the offices of your local U.S. attorney, the FBI, the DOJ's Community Relations Service, the state attorney general's office, or at the local district attorney's office. Victim/witness liaisons, officers, and advocates are sometimes able to speak about the complexities of working with the marginalized populations within your community, including groups that might distrust or fear the police.

Suggested questions for law enforcement agency screenings include the following:

- Why are the three cases featured in the film defined as hate crimes?
- Do you fully understand what constitutes a hate crime and your responsibility to report and thoroughly investigate alleged hate crimes?
- What organizations or groups in this community might serve as bridges between law enforcement and hate crime victims? How might this agency strengthen these relationships?
- Who is vulnerable to hate crimes in this community (which groups, cultures, races, ages, etc.)? What can this agency do to make reporting a hate crime more accessible to targets of crime or to victims?
- Based on the film and this discussion, what are the next steps for this agency to improve hate crime reporting and investigations?

“Hate crimes are message-oriented crimes because they have a greater impact than the violence upon a particular individual.”

— Victor Hwang
Hate Crimes
Prosecutor,
San Francisco
District Attorney's
Office

What is a hate crime?

The Hate Crimes Statistics Act defines hate crimes as those crimes that “manifest evidence of prejudice based on race, gender and gender identity, religion, disability, sexual orientation, or ethnicity.”*

* Hate Crime Statistics Act, 28 U.S.C. § 534 (b) (1) (2009), <http://uscode.house.gov/download/pls/28C33.txt>.

Community

Use this film as a tool to initiate law enforcement-community conversations about hate crimes. When tensions are erupting between specific segments of the community or between a specific population and the police, you can use a community screening to draw together key parties and launch a problem-solving conversation. Your objectives might be to initiate dialogue, to encourage attendees to participate in neighborhood crime prevention efforts, or to promote a better partnership with law enforcement.

As the film depicts, community trust in law enforcement, law enforcement response to incidents, and community interactions are all critical to successful hate crime investigation and prosecution. A public screening of the film, co-hosted with community partners, can be a low-pressure way to draw people together for a conversation. (See appendix C on page 21.)

A community screening can

- address current tensions within the community and establish a plan to resolve them;
- serve to reinforce positive relations with diverse stakeholders;
- keep residents and groups active and engaged in the partnership with law enforcement in the absence of a crisis.

Recruiting a local news personality, educator, or other neutral party to serve as a moderator can help provide a safe space for all residents to interact and share their thoughts. Used in this way, the documentary *A Prosecutor’s Stand* along with this discussion guide can be a valuable tool for building community relations.

If open community screenings do not attract the specific individuals or segments of the community that are experiencing or perpetrating victimization, another way to engage the community might be to organize a targeted screening for which you can invite carefully selected community members and representatives of various groups. This second model can be especially useful when there have been community tensions that might best be addressed in a less public context and when individuals may need to feel freer to be candid. At targeted screenings, the objective might be to spark meaningful conversation among the groups represented. A third model, a hybrid of open community and targeted screenings, might involve a public showing of the documentary, followed by a public panel discussion among various representatives of the community.

“Unless we get people to come forward and really report these crimes, it is often difficult to come up with what kind of services we’re going to pay for, how much police we’re going to put to the problem.”

– **George Gascón**

District Attorney of the City and County of San Francisco

Suggested *questions for community screenings* include the following (see also “Diverse stakeholders roundtable” suggested questions):

- Why are hate crimes considered “message crimes”? How does this aspect of a hate crime impact the victim, the group to which the victim belongs, or the community as a whole?
- The victims depicted in this film include immigrants, an African-American homeless man, and a transgender woman. Why are these groups especially vulnerable to hate crimes? Who is vulnerable in your community?
- What actions can law enforcement and the community take to (1) show support for victims, (2) send a positive counter-message, and (3) reinforce the values of the town in the aftermath of a hate crime?
- How can effective community relations improve the ability of law enforcement to prevent and respond to hate crimes? What are the obstacles to improving law enforcement-community relations in your town? What could be done to overcome these obstacles?
- Based on the film and this discussion, what are the next steps for this community to improve hate crime reporting and investigations?

Diverse stakeholders roundtable

Creating dialogue among the diverse organizations, agencies, and community members in your city is an important tool in combating hate. A robust way to achieve this is by hosting a screening of the film followed by a workshop and roundtable discussion. When the audience participates in small group discussions, they are more likely to voice their opinions and share with the larger audience. (See “Set ground rules” on page 3.)

Screening and workshop steps include the following:

- Host the discussion in a neutral location where all attendees feel comfortable.
- Break the audience into small groups at tables before the screening.
- After the screening, present groups with a set of questions and a set time limit for them to discuss and answer questions.
- Have one member from each group report their findings to the larger group for discussion.

Suggested questions for discussion include the following:

- Why are these three cases featured in the film defined as hate crimes?
- Who is vulnerable to hate crimes in your community (which groups, cultures, races, ages, etc.)? What can your community do to make reporting a hate crime more accessible to targets of crime or to victims?
- How would your community implement a coordinated community response? Think in relation to your job, your community culture, and your interaction with other agencies and groups. Please consider how the media might participate.
- Which organizations or groups in your community can serve as a bridge between law enforcement and hate crime victims? What are some ways to build stronger relationships before a hate crime happens?
- Based on the film and this discussion, what are the next steps this community should take to improve hate crime reporting?

Youth / high schools

Screen this film in classrooms as part of a school assembly or an after-school program. Following the film, a school resource or school liaison officer should work in conjunction with school personnel to engage high school students in a dialogue about the issues.

Alternatively, host a screening for school personnel and district leaders as part of cultural competency or professional development training that can help set the tone and establish a clear message throughout a school system. Encourage students or staff to identify attitudes and behaviors in the school that perpetuate negative stereotyping, as well as bigoted attitudes, bullying, and harassment of other students based on religion, gender, gender identity, race, and disability. Discuss the need to speak up when something happens and the consequences of perpetrating or turning a blind eye to all forms of hate, bullying, and intolerance.

Suggested questions for youth/school screenings include the following:

- In the film, Hate Crimes Prosecutor Victor Hwang states that “hate crimes are message-oriented crimes because they have a greater impact than the violence upon a particular individual.” What did Hwang mean by the phrase “message-oriented crimes”? Why did he feel that the violence in such crimes might have a greater impact beyond the impact on the victim?
- What kinds of actions would you take if such an incident occurred in your school or community? Why might a victim be reluctant to come forward or testify? What could help the situation?
- How do negative stereotypes or racist and anti-gay attitudes manifest in acts of intolerance, bullying, or violence at your school? What can be done to help students bridge differences and become more accepting of those who are different from them?
- What are some ways to build stronger relationships between youth and police officers before a crime or hate incident happens?
- Based on the film and this discussion, what next steps should be taken to more effectively respond to intolerance and promote a safer, more inclusive school environment?

Useful strategies to link a film screening to the Common Core State Standards adopted by many states for mathematics and English language arts instructions include the following:

- Identify and define key vocabulary: prosecutor, advocate, immigrant, and transgender.
- Have students do a quick writing assignment on one or more of these questions.
- Have students do a “Think, Pair, Share,” working with a partner to discuss questions.
- Break the class into small groups to explore the issues and present their findings to the whole class.
- Have the students work in teams to generate their own questions and do further research on hate crimes or enhancing acceptance of different types of people.

“*If it gets to us, and it's a hate crime, every hate crime in the city will be aggressively prosecuted. . . . We want to send a very clear message . . . that we will not tolerate their behavior here in the city.*”

— **Victor Hwang**

Hate Crimes Prosecutor, San Francisco District Attorney's Office



San Francisco District Attorney George Gascón and Assistant District Attorney Victor Hwang talk about hate crimes at a press conference in San Francisco.

Additional questions

The following additional questions can be incorporated to help deepen the conversation about specific issues raised in the film. Facilitators are encouraged to be selective and choose the questions that most directly support the objectives of the agency training or community dialogue.

Understanding hate crimes

- What are the special challenges for law enforcement in responding to and investigating hate crimes?

Hate crime reporting

- What is the “hate crime reporting gap”?
- How can law enforcement officers and community partners address underreporting of hate crimes? What are the obstacles, and how can they be overcome?

Investigating hate crimes

- Do hate crime response, investigation, and reporting warrant special attention and priority by your department? Does your jurisdiction have a dedicated police unit for hate crimes?

Prosecuting hate crimes

- What are the special challenges to prosecuting hate crimes in court?
- What are the benefits of vigorously prosecuting hate crimes, even if a jury ultimately does not convict on the hate crime? Does your jurisdiction have a dedicated prosecutorial unit for hate crimes?

Was This Film Effective?

A Prosecutor's Stand and the accompanying guide are provided free of charge to help law enforcement agencies and community partners work together to prevent and respond to hate crimes. To understand and better serve the needs of communities across the country, Not In Our Town asks that you share basic information about your screening plans, including the location and anticipated number of attendees, when you request these resources. In addition, we request that you distribute and collect copies of the film evaluation survey included in appendix D so we can obtain valuable feedback from audience members and other participants.

Completed surveys can be mailed to Not In Our Town at:

Not In Our Town / The Working Group
P.O. Box 70232
Oakland, CA 94612

We look forward to hearing what you are doing in your community. If you have any questions, please contact us at cops@niot.org or 510-268-9675.

Resources that Promote Working Together for Safe, Inclusive Communities

Make sure your agency is prepared. Through the *Not In Our Town: Working Together for Safe, Inclusive Communities* initiative, the COPS Office and Not In Our Town are collaborating to increase awareness of hate crimes; improve hate crime reporting; and promote safe, inclusive communities nationwide. The film *A Prosecutor's Stand* and discussion guides are part of the vital new set of tools and resources this project is distributing to law enforcement to spread successful community policing strategies and help facilitate connections to community partners, including civic leaders, faith groups, schools, diverse community groups, and local media.

All resources will be available for free download on the online project hub at www.niot.org/cops.

Other highlighted resources include the following:

- *Waking in Oak Creek*: This 35-minute film reveals the powerful law enforcement and community response to the 2012 hate crime shooting at the Sikh Temple of Wisconsin, in which six Sikh worshippers were killed and Oak Creek Police Lieutenant Brian Murphy was shot 15 times.
- *Five Lessons from a Hate Crime Detective*: This seven-minute roll-call video offers key lessons from a 30-year veteran of the San Diego County (California) Sheriff's Department.
- Case studies and agency profiles: These resources address urgent topics in community policing, including engaging the community in the absence of a crisis, bolstering city-wide bullying prevention efforts, expanding impact by developing a training collaboration with an outside agency, and effectively reaching youth with important messages about diversity and inclusion and the consequences of hate crimes.
- Not In Our Town National Law Enforcement Network: Join a network of law enforcement leaders serving as mentors to the greater law enforcement community and spreading project tools.

For more information or to participate in the project, please contact Not In Our Town at cops@niot.org or 510-268-9675.

Local hate crime response

This space is provided for training and event leaders to share important details about local hate crime response and state laws.

In addition to a person making a 911 emergency call, who is the point of contact in this community to alert if there is a hate crime or bias incident?

What are the provisions of this state's hate crime statute? Which of these victim classes are covered: race, religion, ethnicity, sexual orientation, gender, disability? Is there a mandate for hate crime data collection or hate crime training for law enforcement personnel?

Who is the point of contact if an officer or a member of the community has a question about local law enforcement's hate crime reporting practices, response, or prevention activities?

Appendix A. Hate Crimes: Important Facts for Officers Leading Discussions of the Film

Note: To download a printer-friendly version of this appendix, please visit <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0757>.

Definition of a hate crime

The FBI defines hate crimes as “criminal offenses motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.”³ This is the definition used nationwide for the purpose of recognizing, reporting, and tracking hate crimes.

The importance of recognizing hate crimes

While all crimes by their very nature are harmful, hate crimes tend to have an especially devastating effect. When a victim is attacked because of race, ethnicity, religion, sexual orientation, disability, gender, or gender identity, the attack is not just upon the specific person but also upon everyone who belongs to that demographic group. Hate crimes spread fear to all who recognize they could have been a target. For this reason it makes sense that hate crimes receive distinct attention from law enforcement.

Hate crimes are message crimes

The message of a hate crime is that “people like you” are not welcome here and are not safe here. Even acts of vandalism or crimes against a person that involve only threats or minimal violence can send powerful shockwaves of fear through the targeted community.

“*When you have a crime that is clearly motivated by hate, and everybody knows that it’s motivated by hate, what you have is basically an act of terrorism. It’s an act of terrorism against that community.*”

– **George Gascón**

District Attorney of the City and County of San Francisco

3. *Hate Crime Data Collection Guidelines and Training Manual, Version 1.0* (Washington, DC: Federal Bureau of Investigation, 2012).

Communities cannot thrive when some members are afraid

Fear caused by hate crimes degrades the quality of life for people in the targeted group and drives decisions about where to live and work and how much to participate in the community. It is also important to understand the potential for hate crimes to increase community tensions. Vulnerable groups that look to law enforcement officials to protect them and to provide a sense of security can become distrustful and even hostile to law enforcement when groups do not feel safe.

Recognizing hate crimes in your community

Every criminal statute that addresses hate crimes includes a central element of bias motivation. As a result, law enforcement officers need to look for “sufficient objective facts to lead a reasonable and prudent person to conclude that the offender’s actions were motivated, in whole or in part, by bias.”⁴

A law enforcement officer should look for and note “bias indicators,” facts that suggest the possibility of a bias motive. It may be the strength of one or more particular indicators, or the particular combination of indicators, that ultimately leads to the determination that an event is likely a hate crime.

Bias indicators include

- whether the perpetrator and the victim were members of different racial or ethnic groups. This alone would probably never be enough to support a conclusion that an event was a hate crime; however, under the right circumstances and coupled with other indicators, such as a complete and surprising absence of any other apparent or likely motive for a crime, this factor may become weighty;
- historical animosity between the two groups;
- comments, statements, or gestures made by the perpetrator before, during, or after the crime;
- particular drawings, markings, symbols, or graffiti associated with the crime. These various forms of expression can be direct evidence of a bias motive on the part of the perpetrator, particularly when they are present in the commission of the crime itself.

Particular objects can also be bias indicators. Few would mistake the significance of a cross burned in a yard (bias indicator 1) and in the yard of an African-American family (bias indicator 2). These indicators “lead a reasonable and prudent person to conclude that the offender’s actions were motivated, in whole or in part, by bias.” But other objects, less universally associated with hate, might also be keys to recognizing the bias motive in a particular crime.

One must be careful not to draw conclusions about bias motives too quickly or too simply. The analysis should always be done on a case-by-case basis. Statements made by a perpetrator before, during, or after the incident are sometimes the clearest evidence of the existence of a bias motive. But a bias motive can sometimes be discerned from the evidence even in the absence of such statements or other clear symbolic evidence. As Victor Hwang notes, “If there’s really dedicated police work to the case,” it can make the critical difference.

4. Ibid.

How hate crimes are reported

Two of the main sources for national hate crime data collection are the FBI and BJS, but these agencies have different approaches. The BJS National Crime Victimization Survey⁵ (NCVS) is collected from a nationally representative sample of households that are interviewed twice a year about criminal victimization. The instrument collects data on frequency, characteristics and consequences of rape, sexual assault, assault, theft, motor vehicle theft, and household burglary. This information is based on nonfatal crimes, and it does not matter whether they were reported to the police.

The FBI Uniform Crime Report⁶ (UCR) *Hate Crime Statistics* are reported by law enforcement directly to the FBI. This data provides the number of incidents, victims, and offenders in hate and bias-related crimes whether the crime is fully or partially motivated by the bias.

The hate crime reporting gap

As Victor Hwang says in the film, “The vast majority of hate crimes are never reported to the police.” Hate crimes in the United States are seriously underreported and underdocumented, hindering accurate assessment of the problem. A recent BJS report found that nearly two-thirds of hate crimes go unreported to law enforcement.⁷ This is because of the unfortunate belief by many victims that law enforcement will be unable or unwilling to address the problem. Such a breakdown in trust completely undermines the ability of law enforcement agents to perform their jobs.

It is imperative that law enforcement, prosecutors, and victim advocates do everything they can to build bridges of trust in the community to facilitate victim reporting and cooperation. First, it is essential that leadership make it clear that accurate reporting is a priority for the agency. Training is an effective means for accomplishing comprehensive hate crime recognition. Reaching out to victims and to witnesses and encouraging them to report is very important. In addition, intra-agency review of reports can enhance the accuracy of reporting.

“Immigrant communities are reluctant to approach law enforcement; they feel like there will be retaliation if they do report incidents to the police. There are frequently language barriers. They may see the hate but they’re not able to express it in the same words and identify them as hate crimes.”

— Victor Hwang

Hate Crimes Prosecutor, San Francisco
District Attorney’s Office

5. “Data Collection: National Crime Victimization Survey (NCVS),” Bureau of Justice Statistics, <http://bjs.gov/index.cfm?ty=dcdetail&iid=245>.

6. “Uniform Crime Reports,” Federal Bureau of Investigation, <http://www.fbi.gov/about-us/cjis/ucr>.

7. Meagan Meuchel Wilson, *Hate Crime Victimization, 2004–2012—Statistical Tables* (Washington, DC: Bureau of Justice Statistics, 2014), <http://www.bjs.gov/content/pub/pdf/hcv0412st.pdf>.

“ I remember watching them punch and kick him, and he wasn't moving. And then I just saw him being repeatedly kicked in the face. I mean, I've seen fights, but I've never seen anything like this.”

– *Courtroom witness*
A Prosecutor's Stand

Victims of hate crimes need support

One of the most important features of hate crimes is the heightened vulnerability of the victims, both the individual victim and the class of victims who belong to the same demographic group. Victims of hate crimes are often members of diverse groups already coping with a degree of discrimination and separation to which a hate crime can add further fear and insecurity. FBI statistics indicate that hate crimes are most often motivated by race, with religion and sexual orientation being the second and third most common motivations.⁸ Sometimes the targeted groups are in the center of social controversy and conflict, sometimes with political or religious implications. This is certainly the case for some victims featured in the documentary. These individuals are naturally going to have a more difficult time reaching out to law enforcement, and they may be distrustful and have low expectations of prosecutors.

Law enforcement, victim advocates, and prosecutors should make special efforts to reach out to hate crime victims. Their vulnerability is related to the unique trauma they suffer, beyond any physical, mental, or economic injury; it is related to the shockwaves of fear that tend to permeate the targeted community in the aftermath.

Another characteristic of many hate crimes is the extra degree of violence and cruelty not as common in, for instance, economic crimes. Even though a bias-motivated crime does not require extreme violence to cause fear within a vulnerable community, research has shown that attacks motivated by bias tend to be more violent than attacks that arise out of other circumstances. A 2013 BJS report revealed that while violent non-hate crime victimizations decreased between 2007 and 2011, the percentage of hate crimes that were violent victimizations increased.⁹ For all of these reasons, the special vulnerability of hate crime victims is a feature to which law enforcement must be especially attentive.

8. Ibid.

9. Nathan Sandholtz, Lynn Langton, and Michael Planty, *Hate Crime Victimization, 2003–2011* (Washington, DC: Bureau of Justice Statistics, 2013), <http://bjs.gov/content/pub/pdf/hcv0311.pdf>.

It is important to note that understanding and good community relations do not involve “taking sides” on political controversies that may surround some groups. The focus for law enforcement should be on protecting members of the community, regardless of who they are, and the task is to pursue a positive working relationship that will make it possible to do this effectively.

Effective law enforcement response

All hate crimes deserve focused attention and good law enforcement work. In the film, Victor Hwang repeatedly points out how thorough investigative work made the difference in his cases. The ultimate objectives are preventing crime and enhancing public safety. Keep in mind that these objectives can be furthered even if catching and prosecuting every offender proves impossible. Vigorous response to hate crimes by law enforcement

- will be noticed and appreciated in the community;
- sends a message to the perpetrators and would-be perpetrators that hate crimes will not be tolerated;
- enhances security for the public and helps prevent future hate crimes.

Some jurisdictions have specialized hate crime investigation and prosecution units, but most do not. This does not mean hate crimes should not be taken seriously; they should be successfully investigated and prosecuted wherever they occur. Where specialized resources are lacking, it may take extra diligence on the part of officers and investigators, and experts from outside of the agency may need to be consulted.

“*It's hard to tell what a motive is in an individual assault. To do that, it requires a more extensive investigation into the person's background, who they associate with, what kind of literature they're reading, what websites they're visiting, the overall motivation for why they're doing what they're doing.*”

– **Victor Hwang**

Hate Crimes Prosecutor, San Francisco District Attorney's Office

The importance of prosecuting hate crimes as hate crimes

When hate crimes occur, it is important that they be recognized for what they are. This is why crimes motivated by bias should always be reported as hate crimes and why prosecution for hate crimes should be pursued wherever possible. When law enforcement and public officials recognize such an act for what it is, and when they name it and treat it as what it is, they acknowledge and validate the experience of the victim and affirm the status of the victim as a full member of the community.

From a legal point of view, the essential feature of a hate crime is the bias element. As Victor Hwang notes in the film, this is “a unique element, which is not found in other parts of criminal law.” When this element is written into a criminal statute, it can make the crime more complicated to prove, and for this reason, some prosecutors are reluctant to charge perpetrators with hate crimes. However, a conviction under such statutes typically comes with harsher penalties. Convictions under these statutes have the added benefit of giving the jury the opportunity to name the crime for what it is. For this reason, prosecutors should bring hate crime charges where the evidence and the available statutes make this possible.¹⁰

Working with your community

Law enforcement-community relations are especially important when it comes to hate crimes. Because victims of hate crimes are often more vulnerable members of society, they are sometimes reluctant to contact law enforcement and report that they have been the victim of a crime. However, because law enforcement officials need community cooperation to effectively carry out their responsibilities, encouraging and achieving this cooperation is an important part of their work. Good community relations

- increase the likelihood that hate crimes will be reported by victims to law enforcement;
- increase cooperation by witnesses;
- increase the support for law enforcement officials as they perform their jobs.

Law enforcement agencies should be working to establish good community relations well before they need to rely on them in a particular criminal investigation. It is important to consistently maintain and strengthen law enforcement-community relations.

Because hate crimes grow out of a social climate that breeds or abides intolerance, the real key to preventing hate crime lies not only with law enforcement but also with the larger community. Members of the community, including educators, faith leaders, civic leaders, labor groups, media, and citizens of every age, are in a position to contribute much more to the prevention of hate crimes than mere cooperation with law enforcement. Communities that actively work to include all groups in community issues and activities and work to build social bridges to otherwise isolated groups are less vulnerable to those who would sow fear and division through committing hate crimes. Law enforcement can play an important role in calling forth this positive involvement from the community.

10. To understand the details of the criminal statutes related to hate crimes that are applicable in your state, consult your local prosecuting attorney or your state attorney general. Summary material on the hate crime laws of the various states may be found at http://www.adl.org/assets/pdf/combating-hate/state_hate_crime_laws.pdf and http://archive.adl.org/learn/hate_crimes_laws/map_frameset.html.

Appendix B. Recommendations for Law Enforcement and the Community

by Victor Hwang, Hate Crimes Prosecutor, San Francisco District Attorney's Office

Five actions law enforcement can take

1. Be proactive in community outreach.

Affirmative outreach to communities, especially to diverse groups that historically do not trust law enforcement, will create bridges, so that if or when an incident happens, the victim will feel comfortable reaching out and reporting.

2. Establish a specialized hate crimes unit.

Establish a specialized hate crime unit that can work hand in hand with the district attorney to spot trends, to be a friendly point of contact for the agency, and to provide outreach and education to the public. However, if the agency cannot form a specialized unit, assign a point of contact in the agency who can work with the district attorney and provide outreach, education, and expertise.

3. Form a law enforcement-community coalition.

Form a law enforcement-community coalition to share ongoing hate crimes news, trends, prosecutions (what is appropriate to share publicly), and resources and create open forms for discussing community concerns.

4. Form a regional hate crimes task force.

Form a regional task force that includes local, state, tribal, territorial, and federal law enforcement; other criminal justice professionals; probation and parole; social service organizations; and other stakeholders. Many hate groups operate across county and state borders as well as in and around prisons. The regional task force can also reach out to the local or regional fusion center for data and information sharing.

5. Work to support victims.

Even in cases where no perpetrator is identified, make referrals to victim advocates, liaisons, and community groups to make sure the victim's needs are addressed.

Five actions communities can take

1. Conduct outreach to educate the community about hate crimes.

Many times, particularly in immigrant communities, victims do not necessarily understand the hate crime laws, their rights, and the importance of documenting and reporting what was said during an incident. Outreach and education can also address issues of intolerance and hate within the community.

2. Organize and react.

If an incident occurs in your community, take a stand to show support for victims and send a strong message that hate will not be tolerated. Build bridges with diverse groups you might not interact with on a daily basis, and respond in the same way if they are targeted with a hate attack.

3. Work with law enforcement.

Reach out to law enforcement and prosecutors on cases and help supply the context for assessing why certain cases should be charged as hate crimes. Attend court hearings and work with media.

4. Actively support victims.

Victims may often not be able to remember details from an attack or may be traumatized by the incident. Be prepared to call 911, report details, and serve as a witness, if necessary.

5. Intervene early.

If hate crimes are the tip of the intolerance pyramid, there are many opportunities to intervene earlier to either slow the buildup of a hostile environment or to let a victim know that he or she has support. Speak out against hate speech and intolerance, organize against scapegoating, and work to create a safe environment for all.

Appendix C. Community Screening Guidelines

A screening is an opportunity to bring together a diverse community to understand who is vulnerable to hate, learn from one another, and work toward safety and inclusion for all. The goal of Not In Our Town screenings and discussions is to spark long-term community efforts to create safe, inclusive environments for everyone.

The following five actions can help organizers plan successful community screenings:

1. Reach out to build your audience.

Reach out to diverse racial and ethnic groups, immigrants, LGBT organizations or clubs, local librarians, longtime residents, law enforcement, elected officials, nonprofit organizations, educators, and faith leaders in your town. Remember to include youth in your list of invitees.

2. Partner with local groups.

Engage crucial community stakeholders, and expand your reach into the community by establishing a group of co-presenting organizations that can help plan, promote, and host the event. Reach out to city leaders, civil rights groups, faith groups, diverse community organizations, student groups, service organizations, parent-teacher associations, public media outlets, unions, museums, and libraries.

3. Select a facilitator.

A good facilitator is articulate, aware of the subject, and familiar with the community and maintains a positive tone without getting derailed by individuals or groups with other agendas.

4. Choose a central, accessible, and neutral venue.

Consider your local library, theaters, university or college lecture halls, school auditoriums, museums, public media stations, and government buildings. Consider a neutral location for the comfort level of all types of attendees. Try to find an interpreter if your facilitators cannot speak the languages represented in your audience.

5. Spread the word.

Ways in which you can help spread the word about a screening include using personal invitations, postcards, flyers, and posters. Post announcements in places where a cross-section of your audience will see them.

For more information and tips on planning these activities, visit www.niot.org or email info@niot.org.

Appendix D. Film Evaluation Survey


Note: To download a printer-friendly version of this two-page survey, please visit <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0759>.

Surveys should be returned to:
The Working Group / Not In Our Town
PO Box 70232
Oakland, CA 94612

Partners in
stopping hate

NOT
in OUR
TOWN

STOP HATE. TOGETHER.

COPS

COMMUNITY ORIENTED POLICING SERVICES
U.S. Department of Justice

Film Evaluation of A Prosecutor’s Stand

Instructions: Please answer the following questions based on your recent viewing of *A Prosecutor’s Stand*. Surveys should be returned to The Working Group / Not In Our Town, PO Box 70232, Oakland, CA 94612. Thank you for your participation.

1. Screening location: _____

2. How would you rate the following in reference to this film?

Item	Excellent	Good	Okay	Fair	Poor
a. Handling of topic presented	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Overall impact of film	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Effectiveness of group discussion (if applicable)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Please check the response that is most accurate for you.

Results of viewing this film	Yes, very much	Yes, somewhat	No, didn’t make a difference	Not applicable
a. I have more information or tools I can use in my work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. I better understand the need to support hate crime victims.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. I better understand why hate crimes need to be reported, investigated, and prosecuted.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. I will seek ways to improve relationships with at-risk communities and organizations that serve them.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. I am more likely to take action to address hate and intolerance in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. What opportunities or challenges do you anticipate in showing this film to your community or law enforcement agency?

Resources

Hate crime prosecution

Prosecuting Hate: Q&A with Oscar Garcia, San Diego Deputy District Attorney, Hate Crimes Unit

<http://www.niot.org/action-hub/local-lessons/prosecuting-hate>

In this Q&A interview, Oscar Garcia, a prosecutor and hate crime case specialist, spoke with Not In Our Town about California's hate crime law, the challenges in doing this work, and the role law enforcement can play in helping to improve hate crime underreporting and prevention.

Prosecuting Hate Crimes: A Webinar Featuring Joy Repella and Patrice O'Neill

<http://www.niot.org/cops/resources/apa-webinar-featuring-joy-repella-and-patrice-oneill>

Citing examples from Chicago, San Francisco, and around the country, Cook County (Illinois) Assistant State's Attorney Joy Repella and Not In Our Town CEO & Executive Producer Patrice O'Neill explore the challenges and complexities of prosecuting hate crimes, supporting victims, and working with law enforcement, targeted communities, and the broader public to build an effective community response to the violence. Presented by the Association of Prosecuting Attorneys (APA) in partnership with the Bureau of Justice Assistance (BJA) and the Center for Court Innovation (CCI), this webinar reprises one of the most popular workshop sessions from APA's 2013 National Community Prosecution Summit.

Spotlight on a Powerful Training Collaboration: Expanding Impact, Conserving Resources

http://cops.usdoj.gov/html/dispatch/01-2014/spotlight_on_a_powerful_training_collaboration.asp

This article describes a partnership between the Cook County (Illinois) State Attorney's Office and the Chicago Police Department to provide powerful training in hate crimes.

Suffolk County, NY Assistant District Attorney Megan O'Donnell

<http://www.niot.org/cops/profiles/suffolk-county-ny-assistant-district-attorney-megan-o%E2%80%99donnell>

In this Q&A interview, prosecutor Megan O'Donnell spoke with Not In Our Town about how Suffolk County, New York, prosecutors built their cases against seven teens implicated in killing an Ecuadorian immigrant who was targeted because of his ethnicity.

Hate crime reporting

Hate Crime

<http://www.bjs.gov/index.cfm?ty=tp&tid=37>

This web page includes data and survey results related to hate crimes from the National Crime Victimization Survey, collected by the Bureau of Justice Statistics.

Hate Crime Data Collection Guidelines and Training Manual

<http://www.fbi.gov/about-us/cjis/ucr/data-collection-manual>

This publication, a merger of two earlier publications (*Hate Crime Data Collection Guidelines* and the *Training Guide for Hate Crime Data Collection*), reflects the changes in the Hate Crime Act and is intended to assist law enforcement agencies in collecting and submitting hate crime data to the FBI UCR Program, as well as in establishing an updated hate crime training program for their personnel. In addition to providing suggested model reporting procedures and training aids for capturing new bias motivations, the manual helps to raise law enforcement officers' awareness of the hate crime problem.

Hate Crime Reporting: Working to Close the Gap

http://cops.usdoj.gov/html/dispatch/05-2013/hate_crime_reporting.asp

This article discusses a newly released study by the Bureau of Justice Statistics and the hate crime reporting gap.

Hate crime training and response

Addressing Hate Crimes: Six Initiatives that are Enhancing the Efforts of Criminal Justice Practitioners

<https://www.ncjrs.gov/pdffiles1/bja/179559.pdf>

Developed by the Bureau of Justice Assistance, this monograph describes six efforts to address hate crimes. Individually, each project constitutes an innovative effort by police and prosecutors to improve systems for responding to hate crimes. Collectively, the six projects demonstrate the creativity and the deep commitment of local, state, and federal law enforcement agencies in leading the nation's effort to combat bias-motivated crime.

Building Stronger, Safer Communities: A Guide for Law Enforcement and Community Partners to Prevent and Respond to Hate Crimes

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P270>

This guide produced by the COPS Office and Not In Our Town offers leadership strategies and actionable tactics to help law enforcement agencies work with community partners. Real-life examples documented by the Not In Our Town movement against hate and intolerance illustrate how agencies can work with community stakeholders to create an atmosphere where hate is not tolerated and take positive steps in the aftermath of a hate crime. The guide also provides multiple lists of resources to promote action, engagement, and empowerment for the community and law enforcement.

Five Lessons from a Hate Crimes Detective

http://cops.usdoj.gov/html/dispatch/10-2013/lessons_from_a_hate_crime_detective.asp

This article (and forthcoming film, listed below as *Lessons from a Hate Crimes Detective*) describes lessons for detecting and preventing hate crimes from Detective Ellen Vest, a 30-year veteran of the San Diego County (California) Sheriff's Department.

Hate Crime Training: Core Curriculum for Patrol Officers, Detectives, and Command Officers

<http://www.justice.gov/archive/crs/pubs/hct.pdf>

This publication was developed in partnership by the International Association of Directors of Law Enforcement Standards and Training, National Association of Attorneys General, U.S. Department of Justice, and U.S. Department of the Treasury for recognizing and reporting hate crimes.

Lessons from a Hate Crime Detective

<http://www.niot.org/cops/hatecrimedetective>

In this seven-minute roll-call video presented by Not In Our Town and the COPS Office, a 30-year veteran of the San Diego County (California) Sheriff's Department distills the most important ideas about hate crimes down to five lessons.

Responding to Hate Crime: A Multidisciplinary Curriculum for Law Enforcement and Victim Assistance Professionals

https://www.ncjrs.gov/ovc_archives/reports/responding/welcome.html

This six-session training program is intended for an integrated audience of law enforcement and victim assistance professionals to address a range of issues relevant to bias crime.

Response to Hate Crimes

<http://www.nij.gov/topics/crime/hate-crime/pages/research-findings.aspx>

This report details various findings of the National Institute of Justice (NIJ) in assessing the myriad criminal justice responses to hate crimes and in evaluating new trends in hate crimes. The NIJ has identified key gaps in hate crime research, including estimations of the prevalence of hate crime, the impact of hate crime investigation, and the effectiveness of programs designed to prevent hate crime or assist hate crime victims.

Hate crimes against the homeless

Hate Crimes against the Homeless: Violence Hidden in Plain View

<http://www.nationalhomeless.org/publications/hatecrimes/hatecrimes2010.pdf>

This report documents the known cases of violence against homeless individuals by housed individuals in 2010. The report includes descriptions of the cases, current and pending legislation that would help protect homeless individuals, and recommendations for advocates to help prevent violence against homeless individuals.

Hate Crimes and Violence against People Experiencing Homelessness

<http://www.nationalhomeless.org/factsheets/hatecrimes.html>

This fact sheet includes the history of violence, data, and positive actions taken against hate crimes.

Hate crimes and hate crime offenders

Hate Crime Offenders: An Expanded Typology

<https://www.ncjrs.gov/App/publications/abstract.aspx?ID=204396>

This study written by Jack McDevitt, Jack Levin, and Susan Bennett builds on Levin and McDevitt's book *Hate Crimes: The Rising Tide of Bigotry and Bloodshed*, expanding their three-part typology of a hate crime offender to include a fourth category.

Hate Crimes: The Rising Tide of Bigotry and Bloodshed

This book written by Jack Levin and Jack McDevitt explores how organized hate groups in the United States have increased their activity and more effectively engaged youth in their movements. The authors establish a three-part typology of a hate crime offender based on primary motivations, which is useful in identifying similarities and differences among different hate crimes. This is a valuable resource for researchers, training officers, prosecutors, and victim advocates.

Outreach and hate crime response in immigrant communities

Building Strong Police-Immigrant Community Relations: Lessons from a New York City Project

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0017>

This publication describes a COPS Office-funded project with the Vera Institute of Justice, which worked in conjunction with the New York City Police Department to strengthen relations between police and new immigrant communities. Police officials met with members of three immigrant communities in a series of forums to discuss barriers to trust, strategies for building better police-community relations, and broader policy concerns affecting the police-community relationship. The publication will assist police departments, local-level government officials, and community groups interested in building good relations between the police and immigrant communities.

The COPS Office Partners with “Not In Our Town: Light In The Darkness” Community Engagement Campaign

<http://cops.usdoj.gov/html/dispatch/08-2011/COPS-Partners-with-Not-In-Our-Town.asp>

This article discusses the release of the NIOT film *Not In Our Town: Light In The Darkness*, which tells the story of a town that joined together to take action after the hate crime killing of a local immigrant devastates the community of Patchogue, New York. The article also identifies some ways law enforcement leaders can participate in community engagement.

Critical Issues in Policing Series: Police Chiefs and Sheriffs Speak Out on Local Immigration Enforcement

http://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/police%20chiefs%20and%20sheriffs%20speak%20out%20on%20local%20immigration%20enforcement%202008.pdf

This report by the Police Executive Research Forum (PERF) summarizes the results of an immigration survey of its members and findings reached at a summit PERF convened in November 2007, in which police chiefs, sheriffs, mayors, federal officials, and others participated to compare information about how the hot-button immigration issue is playing out in their jurisdictions and what they are doing to shape the direction of policies in their communities.

Engaging Police in Immigrant Communities

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P251>

Law enforcement faces many barriers to policing new immigrant communities and cultivating partnerships with these groups. Language barriers, immigrants' reluctance to report crime for fear of deportation, fear of police, federal immigration enforcement, and cultural differences can lead to misunderstandings between law enforcement and community members. The Engaging Police in Immigrant Communities (EPIC) project highlights promising practices that law enforcement agencies nationwide are using to build effective police-immigrant relations. This guide is accompanied by podcasts on the same topic and a website with additional materials and resources available through <http://www.vera.org/epic>.

Enhancing Community Policing with Immigrant Populations

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P185>

The National Sheriffs' Association and the COPS Office partnered to host a national roundtable discussion between law enforcement leaders and immigration advocates that developed recommendations for enhancing community policing and ensuring equity in the delivery of law enforcement services to immigrant populations. This report documents this roundtable and provides practitioners and law enforcement agencies with information gained from the roundtable as well as other pertinent research. This report also provides recommendations for enhancing community policing to immigrant populations.

Light in the Darkness: Discussion Guide for Community Screenings

http://www.niot.org/sites/default/files/Discussion_Guide.pdf

This guide, which is a companion piece to the documentary *Not In Our Town: Light in the Darkness*, is intended for diverse community groups, law enforcement officials, faith communities, and others as a tool to process the film in a productive and mutually supportive way. The ultimate goal is to inspire action to prevent hate crime and ensure safety and respect for all. Topics include logistical preparation, a suggested discussion agenda, and tips for leading difficult conversations.

Not In Our Town: Light in the Darkness

<http://www.niot.org/lightinthedarkness>

This one-hour PBS documentary is about a town taking action after anti-immigrant violence devastates their community and thrusts them into the international media spotlight. While starkly revealing the trauma of hate, the film provides a blueprint for people who want to do something before intolerance turns to violence.

To purchase a DVD of the one-hour version or 30-minute abbreviated version of this film, or to request a loaner DVD for a planned screening, please visit the Not In Our Town website at <http://www.niot.org/lightinthedarkness/screenings>. The one-hour version of the film can be previewed on PBS's website at <http://video.pbs.org/video/2137348207>.

Both the 60- and 30-minute versions of this film come with a screening guide, discussion guide, and 10 supplemental web videos.

Not In Our Town: Light in the Darkness—A Guide for Law Enforcement

<http://www.niot.org/cops/resources/guide-light-darkness-guide-law-enforcement>

This guide identifies discussion questions and community policing best practices for law enforcement representatives organizing internal agency screenings or community screenings of the documentary *Not In Our Town: Light in the Darkness*, which profiles a town taking action after anti-immigrant violence devastates the community. The guide also addresses challenges to hate crime reporting and outlines additional resources available to law enforcement for screenings.

Police and Immigration: How Chiefs Are Leading Their Communities through the Challenges

http://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/police%20and%20immigration%20-%20how%20chiefs%20are%20leading%20their%20communities%20through%20the%20challenges%202010.pdf

As local police and sheriffs' departments are increasingly being drawn into a national debate about how to enforce federal immigration laws and, in some communities, are being pressured to take significantly larger roles in what has traditionally been a Federal Government responsibility, this report by the Police Executive Research Forum highlights several case studies of law enforcement navigating these challenges in various communities across the country.

Policing in New Immigrant Communities

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P162>

The common challenges that law enforcement agencies face when working with immigrant communities include language barriers, fear of police, and cultural differences. To address these challenges and discuss promising practices for cultivating, maintaining, and restoring partnerships to keep communities safe, the COPS Office, in partnership with the Vera Institute of Justice, sponsored a focus group comprising law enforcement leaders, experts, and community leaders from five jurisdictions in the United States. This report is based on that discussion.

Outreach and hate crime response in LGBT communities

Bullying and the LGBT Community: Trends and Solutions from the Office of Safe and Drug-Free Schools

<http://cops.usdoj.gov/html/dispatch/03-2011/Bullying-LGBT-Community.asp>

This article describes the efforts of the U.S. Department of Education's Office of Safe and Drug-Free Schools to generate a better understanding of what bullying entails and what forces within schools and beyond can do to help.

Hate Crimes and Violence against LGBT People

www.hrc.org/resources/entry/hate-crimes-and-violence-against-lgbt-people

This report presents an overview of research about LGBT hate crimes from law enforcement statistics, opinion polls, and several studies published since 2006. The report also discusses best reporting practices for law enforcement agencies and presents recommendations for future research and advocacy efforts on hate crimes for LGBT populations.

Law Enforcement and the Transgender Community

This training program created by the U.S. Department of Justice's Community Relations Service (CRS) focuses on educating law enforcement officials about working with transgender and gender-nonconforming community members, including how to break down barriers that might affect effective prevention of or response to hate crimes committed against those persons. The training, which is facilitated by CRS regional staff, is designed to provide community partners and law enforcement officials the opportunity to serve as volunteer co-trainers to provide a real-life perspective on the topic. The training was developed in collaboration with law enforcement and transgender advocacy leaders. For more information, please contact CRS at 202-305-2935.

Transgender Training Video: Chicago Police Department

<http://vimeo.com/23452318>

Illinois Gender Advocates participated in generating this training video for the Chicago Police Department to ensure appropriate and professional treatment of transgender and gender variant people by law enforcement professionals.

Why It Matters: Rethinking Victim Assistance for Lesbian, Gay, Bisexual, Transgender and Queer Victims of Hate Violence and Intimate Partner Violence

http://www.avp.org/storage/documents/Reports/WhyItMatters_LGBTQreport.pdf

This joint study by the National Center for Victims of Crime and the National Coalition of Anti-Violence Programs describes widespread gaps in victim services for LGBTQ victims of crime and recommends steps to improve both the services and their accessibility.

Working Together to Protect Our Transgender Community

http://www.sunandmoonvision.org/working_together.html

This 2011 educational video is targeted toward law enforcement agencies and officers and highlights best practices of law enforcement polices so they may be freely shared with other agencies that may not have any written procedure policy or trainings concerning this section of our population. Participants in the video include San Diego Police Lieutenant Carolyn Hendrick; attorney Matteus E. Stephens; transgender/human rights advocacy specialist Ed SanFillippo; Los Angeles Sheriff's Department Sergeant Donald Mueller and Commander Buddy Goldman; Los Angeles Police Department Officer London Ward; and staff and residents of Van Ness Recovery House.



Victim-witness advocate Omar Reyes with hate crime victim Alex C.

About the COPS Office

THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS OFFICE) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- To date, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- As of 2013, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.



This guide is designed to help law enforcement representatives facilitate discussions and training sessions in conjunction with screenings of the 24-minute Not In Our Town film *A Prosecutor's Stand*. Produced in collaboration with the COPS Office, the film examines recent hate crimes in San Francisco, California, and explores the nature of these crimes, trauma faced by victims, and common challenges in investigating and prosecuting these cases. Interviews with prosecutors, the district attorney, victims, victim liaisons, and others demonstrate the important interplay between hate crime victims, law enforcement, and the greater community. The guide provides discussion questions for use in internal agency trainings and community screenings, as well as a hate crimes fact sheet and a list of supplemental resources. Used together, the film and guide can help agencies work to prevent hate crimes, improve hate crime reporting, enhance investigations and prosecutions, and support victims.



COPS
Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at www.cops.usdoj.gov.



The Working Group /
Not In Our Town
PO Box 70232
Oakland, CA 94612